

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

FINAL

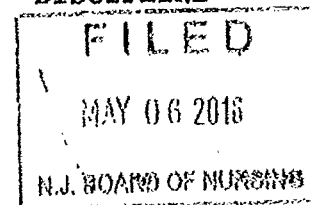
IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

ADMINISTRATIVE ACTION

Yajaira Kourkounakis, C.H.H.A. :
Certificate No. 26NH11791300 :

FINAL ORDER OF
DISCIPLINE

HOMEMAKER HOME HEALTH AIDE :
IN THE STATE OF NEW JERSEY :



This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Yajaira Kourkounakis ("Respondent") is a certified homemaker-home health aide (CHHA) in the State of New Jersey holding certificate number 26NH11791300 and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on July 16, 2014 by the Highland Park Borough Police for violation of N.J.S.A. 2C:18-2A(1), Burglary by Entering Structure (one count), N.J.S.A. 2C:12-3B, Threaten

To Kill (two counts), N.J.S.A. 2C:39-4D, Possess Weapon Unlawful Purpose (three counts), and N.J.S.A. 2C:20-3A, Theft of Movable Property (four counts), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Highland Park, New Jersey, via regular and certified mail on or about August 21, 2014. A response was due within twenty (20) days. The regular mailing was not returned; United States Postal Service tracking system indicates that the certified mailing was delivered in Highland Park on August 26, 2014.

3. Respondent did not reply to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension and a two hundred dollar (\$200) civil penalty was entered on April 6,

2015. Copies were forwarded to Respondent in Highland Park at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

Respondent replied to the Provisional Order and provided:

- 1) a notice from the Middlesex County Prosecutor indicating that the County Prosecutor was returning the complaints to the Highland Park Borough Court to be handled in the municipal court;
- 2) two pages of complaint # 000093 listing four charges;
- and 3) one page of complaint # 000094 listing one charge.

By letter dated August 10, 2015, Respondent was advised that the Attorney General would be recommending that the \$200 civil penalty be imposed and that her license be suspended until she provided all the remaining documentation that the Board had requested - police report with supporting statements, status of the criminal case, municipal court disposition of all charges,

proof of payment of fines, proof of completion of sentencing or probation, narrative statement regarding Respondent's version of the underlying conduct which led to her arrest, name and address of current CHHA employer, job title, dates of employment, shift worked, type of unit worked, and a copy of the most recent performance evaluation. The letter was mailed via regular and certified mail to Respondent's address in Highland Park that she had provided to the Board. Both mailings were returned with a notation that Respondent had moved to another address in Highland Park, but the forwarding time had expired and the United States Postal Service (USPS) would no longer forward the mail to her new address. The stickers on the returned mail included the new address.

On March 17, 2016, a copy of the August 10, 2015 letter was mailed via regular and certified mail to Respondent's new address as indicated on the returned mail stickers from the USPS. The regular mail was not returned. The certified mail was returned as "unclaimed." Respondent replied to the March 17, 2016 letter by submitting the same exact documentation that she had previously provided in response to the POD. She failed to include any of the remaining documentation that the Board had requested and that she had failed to previously provide.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration as Respondent did not dispute the Findings of Fact or Conclusions of Law. Inasmuch as Respondent has continually failed to cooperate with the Board's investigation by failing to provide the bulk of information requested, the Board determined that the suspension and two hundred dollar (\$200) were warranted.

ACCORDINGLY, IT IS on this 6th day of May, 2016,

ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide is hereby suspended until further Board Order and such time as Respondent cooperates fully with the Board's investigation by providing the Board with all the information requested in the Board's letter of inquiry. Respondent shall refrain from engaging in the practice as a homemaker-home health aide and shall not represent herself as a homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

2. Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention Twalema Khonje, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: 

Patricia Murphy, PhD, APN
President